

Requested by JOINT COMMITTEE ON CAPITOL CULTURE

**PROPOSED AMENDMENTS TO
HOUSE BILL 3377**

1 In line 2 of the printed bill, after “branch” insert “; creating new pro-
2 visions; amending ORS 40.252, 171.415, 171.745 and 244.050; and declaring an
3 emergency”.

4 Delete lines 4 and 5 and insert:

5 **“SECTION 1. (1) The Joint Committee on Conduct is established as
6 a joint committee of the Legislative Assembly.**

7 **“(2) The Legislative Equity Office is established as a nonpartisan
8 office of the Legislative Assembly that is independent of any other
9 nonpartisan office.**

10 **“(3) By concurrent resolution, the Legislative Assembly shall select
11 two principal officers of the equity office:**

12 **“(a) One of whom shall serve as the principal investigator; and**

13 **“(b) The other of whom shall serve as the principal outreach officer.**

14 **“(4) The committee may recruit, conduct interviews and make rec-
15 ommendations for the appointment of the principal officers by the
16 Legislative Assembly. The committee shall consult with the Capitol
17 Diversity, Equity and Inclusion Team established under section 13 of
18 this 2019 Act in the performance of the committee’s duties under this
19 section.**

20 **“(5) Subject to the limitations otherwise provided by law for ex-
21 penses of state officers, the principal officers shall be reimbursed for**

1 actual and necessary expenses incurred or paid by the principal offi-
2 cers in the performance of duties of the principal officers.

3 “(6) The principal officers serve for four-year terms and are eligible
4 for reappointment to succeeding terms. A principal officer may be re-
5 moved for cause by the committee upon a finding by the committee
6 that supports a for-cause removal of the officer.

7 “(7) The committee shall:

8 “(a) Receive from the equity office annual reports described in sec-
9 tion 5 of this 2019 Act and any other reports as the committee or office
10 determines is warranted;

11 “(b) Provide office facilities for the equity office that are suffi-
12 ciently independent to ensure that the office operates independently
13 of any other legislative branch organization, including but not limited
14 to authorizing the office to maintain facilities that are located near
15 but outside of the State Capitol;

16 “(c) Ensure that the equity office possesses all possible indicia of
17 independence from the other parts of the legislative branch and that
18 the principal investigator and the principal outreach officer be inde-
19 pendent of each other in the performance of their duties;

20 “(d) Provide ongoing direction and oversight for continual updating
21 of the training described in section 7 of this 2019 Act;

22 “(e) Provide policy direction and oversight to the equity office; and

23 “(f) Perform other duties as assigned by joint rules of the Legisla-
24 tive Assembly.

25 “(8) The Joint Committee on Conduct shall be composed of those
26 members of the Senate Committee on Conduct formed to perform de-
27 legated and assigned functions described in Article IV, section 15, of
28 the Oregon Constitution, for the Senate and the House Committee on
29 Conduct formed to perform delegated and assigned functions described
30 in Article IV, section 15, of the Oregon Constitution, for the House of

1 **Representatives.**

2 **“(9) In any hearing to perform a function described in Article IV,**
3 **section 15, of the Oregon Constitution, Joint Committee on Conduct**
4 **members of the other legislative chamber may attend and be seated**
5 **at the dais as nonvoting observers.**

6 **“(10) Notwithstanding subsection (8) of this section, a member of**
7 **the Joint Committee on Conduct shall be recused from service on a**
8 **committee on conduct performing functions under Article IV, section**
9 **15, of the Oregon Constitution, if the facts and circumstances at issue**
10 **could impair the member’s ability to act impartially and without bias.**
11 **In the event of a recusal, the appointing authority shall appoint an**
12 **acting member until the functions performed under Article IV, section**
13 **15, of the Oregon Constitution, have been resolved.**

14 **“SECTION 2. (1) The Joint Committee on Conduct has a continuing**
15 **existence and may meet, act and conduct its business during the ses-**
16 **sions of the Legislative Assembly or any recess thereof, and in the**
17 **interim period between sessions, but the committee has no authority**
18 **to affect the rules of either legislative chamber.**

19 **“(2) The committee may not transact business unless a quorum is**
20 **present. A quorum consists of a majority of committee members from**
21 **the House of Representatives and a majority of committee members**
22 **from the Senate.**

23 **“(3) Action by the committee requires the affirmative vote of a**
24 **majority of committee members from the House of Representatives**
25 **and a majority of committee members from the Senate.**

26 **“SECTION 3. Notwithstanding sections 1 and 2 of this 2019 Act, if**
27 **a vacancy occurs in the position of a principal officer of the Legislative**
28 **Equity Office before the expiration of the term of the officer, the Joint**
29 **Committee on Conduct may select an acting replacement for the va-**
30 **cated principal officer. The acting principal officer selected by the**

1 committee serves at the committee's pleasure until a principal officer
2 is appointed under section 1 of this 2019 Act.

3 **"SECTION 4.** Notwithstanding sections 1 and 2 of this 2019 Act, if
4 the 2019 regular session of the Eightieth Legislative Assembly adjourns
5 sine die before both principal officers of the Legislative Equity Office
6 have been appointed by the Legislative Assembly, the Joint Committee
7 on Conduct may select an acting principal officer for the vacant posi-
8 tion. The acting principal officer selected by the committee serves at
9 the committee's pleasure until a principal officer is appointed under
10 section 1 of this 2019 Act.

11 **"SECTION 5. (1)** The principal officers of the Legislative Equity
12 Office shall:

13 **"(a)** Prepare and present an annual report to the Joint Committee
14 on Conduct. The annual report shall include:

15 **"(A)** A description of the activities of the office since the last re-
16 port;

17 **"(B)** A detailed description of the training curricula and subjects
18 addressed in the training described in section 7 of this 2019 Act;

19 **"(C)** Statistics that list the number of confidential disclosures,
20 nonconfidential reports and formal complaints made under any appli-
21 cable rule, policy or law establishing standards of conduct and proce-
22 dures to address deviations from that standard in the legislative
23 branch and the number of investigations conducted, except that sta-
24 tistics reported under this subparagraph may not disclose any char-
25 acteristics that would permit confidential identities to be determined
26 or inferred;

27 **"(D)** The results, or a summary of the results, of the most recent
28 culture and climate survey undertaken by the office under section 11
29 of this 2019 Act; and

30 **"(E)** Any other information required by the committee.

1 **“(b) Establish and maintain a Capitol Diversity, Equity and Inclu-**
2 **sion Team to perform the duties described in section 13 of this 2019**
3 **Act.**

4 **“(2) The principal officers may employ and fix the compensation of**
5 **such professional assistants and other employees as the principal of-**
6 **ficers deem necessary for the work under their charge.**

7 **“(3) The principal officers may enter into contracts to carry out the**
8 **functions of the Legislative Equity Office.**

9 **“SECTION 6. (1) The Legislative Equity Office principal investigator**
10 **shall:**

11 **“(a) Receive complaints and reports alleging harassment or other**
12 **conduct that is asserted to violate standards of conduct prescribed by**
13 **legislative branch personnel rules;**

14 **“(b) Conduct investigations, determine facts, write investigative**
15 **reports and report outcomes of investigations to appointing authorities**
16 **or other persons or entities identified in legislative branch personnel**
17 **rules or chamber rules as recipients of principal investigator reports;**

18 **“(c) Make recommendations regarding interim safety measures to**
19 **appointing authorities or other persons or entities identified in legis-**
20 **lative branch personnel rules or chamber rules as recipients of prin-**
21 **cipal investigator recommendations on interim safety measures; and**

22 **“(d) Recruit and contract with one or more individuals with expe-**
23 **rience and expertise in the conduct of workplace investigations who**
24 **also are unaffiliated with the legislative branch to perform the inves-**
25 **tigations and make the reports and recommendations described in this**
26 **section if:**

27 **“(A) Legislative branch personnel rules or chamber rules require**
28 **an outside investigator; or**

29 **“(B) The principal investigator determines that an outside investi-**
30 **gator is best suited to conduct an impartial, unbiased and robust in-**

1 **vestigation.**

2 **“(2) The principal investigator may not have access to confidential**
3 **files and records of the Legislative Equity Office principal outreach**
4 **officer.**

5 **“SECTION 7. (1) The Legislative Equity Office principal outreach**
6 **officer shall at least annually conduct a minimum of two hours of**
7 **respectful workplace training, including training on:**

8 **“(a) Legislative branch workplace harassment avoidance policies**
9 **and rules; and**

10 **“(b) Legislative branch procedures and rules for reporting or filing**
11 **complaints to address instances of harassment.**

12 **“(2) The training described in subsection (1) of this section must**
13 **be attended annually by all legislators, legislative staff and legislative**
14 **interns and volunteers. Employees of contractors who reasonably ex-**
15 **pect to be regularly present in the State Capitol must also attend the**
16 **training described in subsection (1) of this section. Lobbyists and**
17 **executive branch and judicial branch personnel who are regularly**
18 **present in the State Capitol may be invited to attend the training. The**
19 **principal outreach officer shall record legislator attendance at the**
20 **trainings and shall make attendance records publicly available.**

21 **“(3)(a) The principal outreach officer shall make the training de-**
22 **scribed in subsection (1) of this section available online. The principal**
23 **outreach officer shall maintain records of all persons who have taken**
24 **online training.**

25 **“(b) The online training described in this subsection is intended to**
26 **be a last-resort alternative to the in-person training described in sub-**
27 **section (1) of this section. An individual required to attend training**
28 **under this section may substitute online training for in-person at-**
29 **tendance only once in any two-year period.**

30 **“(4) The principal outreach officer shall make the training described**

1 in subsection (1) of this section available at multiple times throughout
2 the year and shall strive to present the training in small group set-
3 tings and employ best practices to maximize attendance at in-person
4 trainings.

5 “(5) The principal outreach officer shall develop training content
6 that:

7 “(a) Describes conduct that constitutes harassment under legisla-
8 tive branch personnel rules or other law;

9 “(b) Includes specific guidance addressing subtle forms of discrimi-
10 nation and harassment that become unlawful because of the
11 pervasiveness of the conduct;

12 “(c) Provides training on available methods of reporting
13 harassment;

14 “(d) Describes supervisor obligations to report harassment;

15 “(e) Explains the authority every individual has to withdraw con-
16 sent to intimate conduct and addresses challenges associated with
17 consensual relationships in the workplace;

18 “(f) Provides examples of positive workplace behaviors and con-
19 structive working relationships;

20 “(g) Teaches the skills necessary for individuals to become active
21 bystanders who promote culture change and oppose harassing behavior
22 they observe in the workplace;

23 “(h) Discourages behavior that does not promote a productive and
24 inclusive work environment; and

25 “(i) Conveys the human impact and harm to the work environment
26 that harassment causes.

27 “(6) The principal outreach officer may contract with other persons
28 or entities with experience performing harassment avoidance and
29 respectful workplace training for the performance of the training de-
30 scribed in this section.

1 **“(7) The principal outreach officer shall employ best practices in:**

2 **“(a) Developing training content described in this section and de-**
3 **livery methodologies for the training content; and**

4 **“(b) Writing and publishing written guidance on Legislative Branch**
5 **Rules and policies relating to:**

6 **“(A) Promoting a respectful and inclusive workplace;**

7 **“(B) Reporting or filing complaints about harassing, discriminatory**
8 **or retaliatory behavior, or other behavior prohibited by branch rules**
9 **or policies; and**

10 **“(C) Understanding options available to those who are experiencing**
11 **behavior prohibited by branch rules or policies.**

12 **“SECTION 8. The Legislative Equity Office shall begin undertaking**
13 **training described in section 7 of this 2019 Act as soon as is practicable**
14 **after the effective date of this 2019 Act.**

15 **“SECTION 9. Section 7 of this 2019 Act is amended to read:**

16 **“Sec. 7. (1) The Legislative Equity Office principal outreach officer shall**
17 **at least annually conduct a minimum of two hours of respectful workplace**
18 **training, including training on:**

19 **“(a) Legislative branch workplace harassment avoidance policies and**
20 **rules; and**

21 **“(b) Legislative branch procedures and rules for reporting or filing com-**
22 **plaints to address instances of harassment.**

23 **“(2) The training described in subsection (1) of this section must be at-**
24 **tended annually by all legislators, legislative staff, [and] legislative**
25 **interns, [and] legislative volunteers and lobbyists who are required to**
26 **register with the Oregon Government Ethics Commission.** Employees
27 of contractors who reasonably expect to be regularly present in the State
28 Capitol must also attend the training described in subsection (1) of this
29 section. [*Lobbyists and*] Executive branch and judicial branch personnel who
30 are regularly present in the State Capitol may be invited to attend the

1 training. The principal outreach officer shall record legislator attendance at
2 the trainings and shall make attendance records publicly available.

3 “(3)(a) The principal outreach officer shall make the training described
4 in subsection (1) of this section available online. The principal outreach of-
5 ficer shall maintain records of all persons who have taken online training.

6 “(b) The online training described in this subsection is intended to be a
7 last-resort alternative to the in-person training described in subsection (1)
8 of this section. **Except for a registered lobbyist whose principal office**
9 **is outside of this state**, an individual required to attend training under this
10 section may substitute online training for in-person attendance only once in
11 any two-year period.

12 “(4) The principal outreach officer shall make the training described in
13 subsection (1) of this section available at multiple times throughout the year
14 and shall strive to present the training in small group settings and employ
15 best practices to maximize attendance at in-person trainings.

16 “(5) The principal outreach officer shall develop training content that:

17 “(a) Describes conduct that constitutes harassment under legislative
18 branch personnel rules or other law;

19 “(b) Includes specific guidance addressing subtle forms of discrimination
20 and harassment that become unlawful because of the pervasiveness of the
21 conduct;

22 “(c) Provides training on available methods of reporting harassment;

23 “(d) Describes supervisor obligations to report harassment;

24 “(e) Explains the authority every individual has to withdraw consent to
25 intimate conduct and addresses challenges associated with consensual re-
26 lationships in the workplace;

27 “(f) Provides examples of positive workplace behaviors and constructive
28 working relationships;

29 “(g) Teaches the skills necessary for individuals to become active
30 bystanders who promote culture change and oppose harassing behavior they

1 observe in the workplace;

2 “(h) Discourages behavior that does not promote a productive and inclu-
3 sive work environment; and

4 “(i) Conveys the human impact and harm to the work environment that
5 harassment causes.

6 “(6) The principal outreach officer may contract with other persons or
7 entities with experience performing harassment avoidance and respectful
8 workplace training for the performance of the training described in this
9 section.

10 “(7) The principal outreach officer shall employ best practices in:

11 “(a) Developing training content described in this section and delivery
12 methodologies for the training content; and

13 “(b) Writing and publishing written guidance on Legislative Branch Rules
14 and policies relating to:

15 “(A) Promoting a respectful and inclusive workplace;

16 “(B) Reporting or filing complaints about harassing, discriminatory or
17 retaliatory behavior, or other behavior prohibited by branch rules or policies;
18 and

19 “(C) Understanding options available to those who are experiencing be-
20 havior prohibited by branch rules or policies.

21 **“SECTION 10. The amendments to section 7 of this 2019 Act by
22 section 9 of this 2019 Act become operative on January 1, 2021.**

23 **“SECTION 11. (1) The Legislative Equity Office principal outreach
24 officer shall regularly conduct culture and climate surveys of legisla-
25 tors, legislative staff, lobbyists and others who regularly interact with
26 the legislative branch to ascertain the alignment between stated leg-
27 islative branch policies and goals relating to workplace culture and
28 standards of behavior, and actual beliefs and experiences of those who
29 work in the legislative branch or regularly interact with the legislative
30 branch. The principal outreach officer shall make the results of cul-**

1 ture and climate surveys publicly available.

2 “(2) The principal outreach officer may contract with other persons
3 or entities with experience conducting culture and climate surveys to
4 conduct the surveys described in subsection (1) of this section.

5 “(3) The Legislative Equity Office may collaborate with the Legis-
6 lative Administrator to provide training, coaching and the production
7 of materials intended to improve State Capitol culture and on matters
8 other than workplace harassment.

9 **“SECTION 12. (1) The Legislative Equity Office principal outreach**
10 **officer shall be available to receive information from any individual**
11 **about harassing behavior occurring in the State Capitol or involving**
12 **legislators, legislative staff, lobbyists or others who are present in the**
13 **State Capitol or who engage with legislators, legislative staff or**
14 **lobbyists, whether in the State Capitol or elsewhere.**

15 “(2) The principal outreach officer shall provide confidential process
16 counseling to individuals who believe they have experienced or ob-
17 served harassment, including but not limited to:

18 “(a) Providing information on legislative branch personnel rules
19 and policies, formal complaint and informal reporting processes; and

20 “(b) Providing information on the extent to which information may
21 be kept confidential or may be subject to disclosure.

22 “(3) The principal outreach officer may not engage in any investi-
23 gation following a report or complaint alleging harassment or follow-
24 ing any consultation described in subsection (1) or (2) of this section.

25 “(4) The principal outreach officer may not share any information
26 acquired during a consultation described in subsection (1) or (2) of this
27 section with the Legislative Equity Office principal investigator or any
28 person hired to perform an investigation under legislative branch
29 personnel rules, except that if the principal outreach officer identifies
30 a pattern of behavior that, if true, would amount to pervasive

1 harassment under legislative branch personnel rules, the principal
2 outreach officer may undertake specific training efforts to address
3 identified patterns of objectionable behavior while preserving the an-
4 onymity of individuals who reported facts that show such patterns of
5 objectionable behavior.

6 **“SECTION 13. (1) The Legislative Equity Office shall establish and**
7 **maintain a Capitol Diversity, Equity and Inclusion Team, consisting**
8 **of legislators, legislative staff, lobbyists, executive and judicial branch**
9 **staff who regularly interact with the legislative branch, employees of**
10 **contractors who regularly interact with the legislative branch, and**
11 **interested members of the public, who have an interest in promoting**
12 **a productive and inclusive environment in the State Capitol and at**
13 **functions and events outside of the State Capitol at which legislators,**
14 **staff, lobbyists and others interact.**

15 **“(2) The Legislative Equity Office shall provide members of the**
16 **Capitol Diversity, Equity and Inclusion Team with advanced respectful**
17 **workplace training, with an emphasis in implementing cultural change**
18 **in the workplace.**

19 **“(3) Capitol Diversity, Equity and Inclusion Team members shall**
20 **serve as mentors and informal resources of information for others who**
21 **are interested in promoting a more respectful workplace or who are**
22 **facing challenges in the workplace.**

23 **“(4) The Capitol Diversity, Equity and Inclusion Team shall identify**
24 **additional services or additional training needs and shall report those**
25 **identified additional services or training needs to the equity office and**
26 **to the Joint Committee on Conduct.**

27 **“(5) The Capitol Diversity, Equity and Inclusion Team may also be**
28 **referred to as the Capitol Leadership Team.**

29 **“SECTION 14. (1) At the direction of the Joint Committee on Con-**
30 **duct, the Legislative Equity Office shall contract with one or more**

1 offsite process counselors to perform the duties described in section
2 15 of this 2019 Act or such other duties as are assigned by legislative
3 rule or by the committee.

4 “(2) The committee shall establish minimum qualifications for an
5 offsite process counselor and may establish other criteria for the se-
6 lection of an offsite process counselor, including criteria by which a
7 request for proposals may be evaluated or by which external experts
8 may be invited to advise the committee on the selection of an offsite
9 process counselor.

10 **“SECTION 15. (1) An offsite process counselor under contract with**
11 **the Legislative Equity Office under section 14 of this 2019 Act shall be**
12 **available to receive information from any individual about harassing**
13 **behavior occurring in the State Capitol or involving legislators, legis-**
14 **lative staff, lobbyists or others who are present in the State Capitol**
15 **or who engage with legislators, legislative staff or lobbyists, whether**
16 **in the State Capitol or elsewhere.**

17 “(2) The offsite process counselor shall provide confidential process
18 counseling to individuals who believe they have experienced or ob-
19 served harassment, including but not limited to:

20 “(a) Providing information on legislative branch personnel rules
21 and policies, formal complaint and informal reporting processes; and

22 “(b) Providing information on the extent to which information may
23 be kept confidential or may be subject to disclosure.

24 “(3) The offsite process counselor may not engage in any investi-
25 gation following a report or complaint alleging harassment or follow-
26 ing any consultation described in subsection (1) or (2) of this section.

27 “(4) The offsite process counselor may not share any information
28 acquired during a consultation described in subsection (1) or (2) of this
29 section with the Legislative Equity Office principal investigator or any
30 person hired to perform an investigation under legislative branch

1 personnel rules, except that if the offsite process counselor identifies
2 a pattern of behavior that, if true, would amount to pervasive
3 harassment under legislative branch personnel rules, the offsite pro-
4 cess counselor may undertake specific training efforts to address
5 identified patterns of objectionable behavior while preserving the an-
6 onymity of individuals who reported facts that show such patterns of
7 objectionable behavior.

8 “(5) Upon request of a person making a disclosure, report or com-
9 plaint to the Legislative Equity Office, the offsite process counselor
10 may be present when the disclosure, report or complaint is made.

11 “SECTION 16. Section 17 of this 2019 Act is added to and made a
12 part of ORS 40.225 to 40.295.

13 “SECTION 17. (1) As used in this section:

14 “(a) ‘Confidential communication’ means a communication between
15 an offsite process counselor and an individual reporting information
16 or seeking consultative services from the offsite process counselor.

17 “(b) ‘Harassment’ has the meaning given that term in legislative
18 branch personnel rules that establish a standard of conduct that ap-
19 plies to legislators, legislative staff or executive or judicial branch
20 staff that regularly are present in the State Capitol or regularly
21 interact with the legislative branch, lobbyists who are required to be
22 registered under ORS 171.740, or contractors, including employees of
23 contractors, who regularly perform services in the State Capitol.
24 ‘Harassment’ includes conduct that constitutes sexual harassment or
25 retaliation as those terms are used in the legislative branch personnel
26 rules that address harassment.

27 “(c) ‘Legislative branch’ means the legislative department, as de-
28 fined in ORS 174.114.

29 “(d) ‘Offsite process counselor’ means an offsite process counselor
30 who meets the qualifications established under section 14 (2) of this

1 2019 Act, who performs services under section 15 of this 2019 Act and
2 who has completed at least 40 hours of training in advocacy for victims
3 of domestic violence, sexual assault, stalking or workplace
4 harassment, including harassment based on race, gender or disability,
5 that has been approved by the Attorney General by rule.

6 “(2) A person who reports information to an offsite process coun-
7 selor that concerns harassing behavior described in section 15 (1) of
8 this 2019 Act that the person has experienced or witnessed has a priv-
9 ilege to refuse to disclose and to prevent any other person from dis-
10 closing:

11 “(a) Confidential communication made by the person to or received
12 by the person from the offsite process counselor; and

13 “(b) Records that are created or maintained by the offsite process
14 counselor in the course of the person reporting information that con-
15 cerns harassment in the State Capitol.

16 “(3) A person who consults with an offsite process counselor for the
17 purpose of understanding what options are available for reporting
18 harassment or filing a harassment complaint has a privilege to refuse
19 to disclose and to prevent any other person from disclosing:

20 “(a) Confidential communication made by the person to or received
21 by the person from the offsite process counselor; and

22 “(b) Records that are created or maintained by the offsite process
23 counselor in the course of providing counsel or services to the person.

24 “(4) This section does not prohibit the disclosure of:

25 “(a) Any information if the offsite process counselor reasonably
26 believes that the disclosure is necessary to prevent immediate physical
27 harm or other harm described in ORS 40.252; or

28 “(b) Aggregate, nonpersonally identifying data.

29 “(5) This section applies to civil, criminal and administrative pro-
30 ceedings and to legislative branch disciplinary proceedings.

1 **“SECTION 18.** ORS 40.252 is amended to read:

2 “40.252. (1) In addition to any other limitations on privilege that may be
3 imposed by law, there is no privilege under ORS 40.225, 40.230, 40.250 or
4 40.264 **or section 17 of this 2019 Act** for communications if:

5 “(a) In the professional judgment of the person receiving the communi-
6 cations, the communications reveal that the declarant has a clear and seri-
7 ous intent at the time the communications are made to subsequently commit
8 a crime involving physical injury, a threat to the physical safety of any
9 person, sexual abuse or death or involving an act described in ORS 167.322;

10 “(b) In the professional judgment of the person receiving the communi-
11 cations, the declarant poses a danger of committing the crime; and

12 “(c) The person receiving the communications makes a report to another
13 person based on the communications.

14 “(2) The provisions of this section do not create a duty to report any
15 communication to any person.

16 “(3) A person who discloses a communication described in subsection (1)
17 of this section, or fails to disclose a communication described in subsection
18 (1) of this section, is not liable to any other person in a civil action for any
19 damage or injury arising out of the disclosure or failure to disclose.

20 **“SECTION 19. Records and information of the Legislative Equity**
21 **Office established in section 1 of this 2019 Act that relate to disclo-**
22 **sures, reports or other allegations made to the equity office or that**
23 **relate to investigations, reports or counseling undertaken by the eq-**
24 **uity office or by an investigator or offsite process counselor at the**
25 **request of the equity office are exempt from required disclosure under**
26 **ORS 192.311 to 192.478, except that:**

27 **“(1) A formal complaint made under legislative branch personnel**
28 **rules is disclosable when requested;**

29 **“(2) Records relating to an investigation of a member of the Legis-**
30 **lative Assembly following a formal complaint being made concerning**

1 **the member are subject to disclosure after the fact-finding investi-**
2 **gation has concluded, even if a legislative committee has not yet met**
3 **or deliberated on the investigation’s findings; and**

4 **“(3) Records relating to an investigation of allegations of conduct**
5 **prohibited by legislative branch personnel rules and not described in**
6 **subsection (1) or (2) of this section are subject to disclosure upon a**
7 **determination being made that the person who was the subject of the**
8 **investigation is subject to remedial measures or discipline.**

9 **“SECTION 20.** ORS 171.415 is amended to read:

10 “171.415. (1) Except as provided in subsections (2) and (3) of this section,
11 a committee or employee of the Legislative Assembly having possession of
12 legislative records that are not required for the regular performance of offi-
13 cial duties shall, within 10 days after the adjournment sine die of a regular
14 or special session, deliver all such legislative records to the Legislative Ad-
15 ministration Committee.

16 “(2) The chairperson, member or employee of a legislative interim com-
17 mittee responsible for maintaining the legislative records of that committee
18 shall, within 10 days after the committee ceases to function or before Janu-
19 ary 1 next preceding the beginning of an odd-numbered year regular session
20 of the Legislative Assembly, whichever is earlier, deliver all such legislative
21 records to the Legislative Administration Committee.

22 “(3) This section does not apply to the records of the Emergency Board,
23 the Legislative Administration Committee, the Legislative Counsel Commit-
24 tee, the Legislative Policy and Research Committee, **the Legislative Equity**
25 **Office** or the Joint Committee on Ways and Means.

26 **“SECTION 21.** ORS 244.050 is amended to read:

27 “244.050. (1) On or before April 15 of each year the following persons shall
28 file with the Oregon Government Ethics Commission a verified statement of
29 economic interest as required under this chapter:

30 “(a) The Governor, Secretary of State, State Treasurer, Attorney General,

1 Commissioner of the Bureau of Labor and Industries, district attorneys and
2 members of the Legislative Assembly.

3 “(b) Any judicial officer, including justices of the peace and municipal
4 judges, except any pro tem judicial officer who does not otherwise serve as
5 a judicial officer.

6 “(c) Any candidate for a public office designated in paragraph (a) or (b)
7 of this subsection.

8 “(d) The Deputy Attorney General.

9 “(e) The Deputy Secretary of State.

10 “(f) The Legislative Administrator, the Legislative Counsel, the Legisla-
11 tive Fiscal Officer, the Legislative Policy and Research Director, the Secre-
12 tary of the Senate, [and] the Chief Clerk of the House of Representatives
13 **and the principal officers of the Legislative Equity Office.**

14 “(g) The president and vice presidents, or their administrative equiv-
15 alents, in each public university listed in ORS 352.002.

16 “(h) The following state officers:

17 “(A) Adjutant General.

18 “(B) Director of Agriculture.

19 “(C) Manager of State Accident Insurance Fund Corporation.

20 “(D) Water Resources Director.

21 “(E) Director of Department of Environmental Quality.

22 “(F) Director of Oregon Department of Administrative Services.

23 “(G) State Fish and Wildlife Director.

24 “(H) State Forester.

25 “(I) State Geologist.

26 “(J) Director of Human Services.

27 “(K) Director of the Department of Consumer and Business Services.

28 “(L) Director of the Department of State Lands.

29 “(M) State Librarian.

30 “(N) Administrator of Oregon Liquor Control Commission.

- 1 “(O) Superintendent of State Police.
- 2 “(P) Director of the Public Employees Retirement System.
- 3 “(Q) Director of Department of Revenue.
- 4 “(R) Director of Transportation.
- 5 “(S) Public Utility Commissioner.
- 6 “(T) Director of Veterans’ Affairs.
- 7 “(U) Executive director of Oregon Government Ethics Commission.
- 8 “(V) Director of the State Department of Energy.
- 9 “(W) Director and each assistant director of the Oregon State Lottery.
- 10 “(X) Director of the Department of Corrections.
- 11 “(Y) Director of the Oregon Department of Aviation.
- 12 “(Z) Executive director of the Oregon Criminal Justice Commission.
- 13 “(AA) Director of the Oregon Business Development Department.
- 14 “(BB) Director of the Office of Emergency Management.
- 15 “(CC) Director of the Employment Department.
- 16 “(DD) Chief of staff for the Governor.
- 17 “(EE) Director of the Housing and Community Services Department.
- 18 “(FF) State Court Administrator.
- 19 “(GG) Director of the Department of Land Conservation and Development.
- 20 “(HH) Board chairperson of the Land Use Board of Appeals.
- 21 “(II) State Marine Director.
- 22 “(JJ) Executive director of the Oregon Racing Commission.
- 23 “(KK) State Parks and Recreation Director.
- 24 “(LL) Public defense services executive director.
- 25 “(MM) Chairperson of the Public Employees’ Benefit Board.
- 26 “(NN) Director of the Department of Public Safety Standards and Train-
- 27 ing.
- 28 “(OO) Executive director of the Higher Education Coordinating Commis-
- 29 sion.
- 30 “(PP) Executive director of the Oregon Watershed Enhancement Board.

1 “(QQ) Director of the Oregon Youth Authority.
2 “(RR) Director of the Oregon Health Authority.
3 “(SS) Deputy Superintendent of Public Instruction.
4 “(i) The First Partner, the legal counsel, the deputy legal counsel and all
5 policy advisors within the Governor’s office.
6 “(j) Every elected city or county official.
7 “(k) Every member of a city or county planning, zoning or development
8 commission.
9 “(L) The chief executive officer of a city or county who performs the du-
10 ties of manager or principal administrator of the city or county.
11 “(m) Members of local government boundary commissions formed under
12 ORS 199.410 to 199.519.
13 “(n) Every member of a governing body of a metropolitan service district
14 and the auditor and executive officer thereof.
15 “(o) Each member of the board of directors of the State Accident Insur-
16 ance Fund Corporation.
17 “(p) The chief administrative officer and the financial officer of each
18 common and union high school district, education service district and com-
19 munity college district.
20 “(q) Every member of the following state boards and commissions:
21 “(A) Governing board of the State Department of Geology and Mineral
22 Industries.
23 “(B) Oregon Business Development Commission.
24 “(C) State Board of Education.
25 “(D) Environmental Quality Commission.
26 “(E) Fish and Wildlife Commission of the State of Oregon.
27 “(F) State Board of Forestry.
28 “(G) Oregon Government Ethics Commission.
29 “(H) Oregon Health Policy Board.
30 “(I) Oregon Investment Council.

- 1 “(J) Land Conservation and Development Commission.
- 2 “(K) Oregon Liquor Control Commission.
- 3 “(L) Oregon Short Term Fund Board.
- 4 “(M) State Marine Board.
- 5 “(N) Mass transit district boards.
- 6 “(O) Energy Facility Siting Council.
- 7 “(P) Board of Commissioners of the Port of Portland.
- 8 “(Q) Employment Relations Board.
- 9 “(R) Public Employees Retirement Board.
- 10 “(S) Oregon Racing Commission.
- 11 “(T) Oregon Transportation Commission.
- 12 “(U) Water Resources Commission.
- 13 “(V) Workers’ Compensation Board.
- 14 “(W) Oregon Facilities Authority.
- 15 “(X) Oregon State Lottery Commission.
- 16 “(Y) Pacific Northwest Electric Power and Conservation Planning Coun-
17 cil.
- 18 “(Z) Columbia River Gorge Commission.
- 19 “(AA) Oregon Health and Science University Board of Directors.
- 20 “(BB) Capitol Planning Commission.
- 21 “(CC) Higher Education Coordinating Commission.
- 22 “(DD) Oregon Growth Board.
- 23 “(EE) Early Learning Council.
- 24 “(r) The following officers of the State Treasurer:
- 25 “(A) Deputy State Treasurer.
- 26 “(B) Chief of staff for the office of the State Treasurer.
- 27 “(C) Director of the Investment Division.
- 28 “(s) Every member of the board of commissioners of a port governed by
29 ORS 777.005 to 777.725 or 777.915 to 777.953.
- 30 “(t) Every member of the board of directors of an authority created under

1 ORS 441.525 to 441.595.

2 “(u) Every member of a governing board of a public university listed in
3 ORS 352.002.

4 “(v) Every member of the board of directors of an authority created under
5 ORS 465.600 to 465.621.

6 “(2) By April 15 next after the date an appointment takes effect, every
7 appointed public official on a board or commission listed in subsection (1)
8 of this section shall file with the Oregon Government Ethics Commission a
9 statement of economic interest as required under ORS 244.060, 244.070 and
10 244.090.

11 “(3) By April 15 next after the filing deadline for the primary election,
12 each candidate described in subsection (1) of this section shall file with the
13 commission a statement of economic interest as required under ORS 244.060,
14 244.070 and 244.090.

15 “(4) Not later than the 40th day before the date of the statewide general
16 election, each candidate described in subsection (1) of this section who will
17 appear on the statewide general election ballot and who was not required to
18 file a statement of economic interest under subsections (1) to (3) of this
19 section shall file with the commission a statement of economic interest as
20 required under ORS 244.060, 244.070 and 244.090.

21 “(5) Subsections (1) to (3) of this section apply only to persons who are
22 incumbent, elected or appointed public officials as of April 15 and to persons
23 who are candidates on April 15.

24 “(6) If a statement required to be filed under this section has not been
25 received by the commission within five days after the date the statement is
26 due, the commission shall notify the public official or candidate and give the
27 public official or candidate not less than 15 days to comply with the re-
28 quirements of this section. If the public official or candidate fails to comply
29 by the date set by the commission, the commission may impose a civil pen-
30 alty as provided in ORS 244.350.

1 **“SECTION 22. Section 23 of this 2019 Act is added to and made a**
2 **part of ORS 171.725 to 171.785.**

3 **“SECTION 23. (1) A lobbyist registered with the Oregon Govern-**
4 **ment Ethics Commission or required to register with the commission**
5 **shall annually attend the training described in section 7 of this 2019**
6 **Act.**

7 **“(2) A lobbyist registered with the commission or required to reg-**
8 **ister with the commission shall certify attendance at the training de-**
9 **scribed in section 7 of this 2019 Act, including attendance at online**
10 **training authorized under section 7 of this 2019 Act, on statements the**
11 **lobbyist files under ORS 171.745.**

12 **“(3) On or before February 1 of each year, the commission shall**
13 **submit a report to the office that lists lobbyists registered with the**
14 **commission who have not certified attendance at training required**
15 **under this section for the prior calendar year.**

16 **“SECTION 24. The Joint Committee on Conduct established under**
17 **section 1 of this 2019 Act may adopt policies that establish content and**
18 **duration requirements for training sessions described in section 23 of**
19 **this 2019 Act.**

20 **“SECTION 25. ORS 171.745 is amended to read:**

21 **“171.745. (1) A lobbyist registered with the Oregon Government Ethics**
22 **Commission or required to register with the commission shall, according to**
23 **the schedule described in ORS 171.752, file with the commission a statement**
24 **showing for the applicable reporting period:**

25 **“(a) The total amount of all moneys expended for food, refreshments and**
26 **entertainment by the lobbyist for the purpose of lobbying.**

27 **“(b) The name of any legislative official or executive official to whom or**
28 **for whose benefit, on any one occasion, an expenditure is made for the pur-**
29 **poses of lobbying, and the date, name of payee, purpose and amount of that**
30 **expenditure. This paragraph applies if the total amount expended on the oc-**

1 cation by one or more persons exceeds \$50.

2 **“(c) Certification of the date, location and duration of any training**
3 **described in section 23 of this 2019 Act that the lobbyist attended.**

4 “(2) Statements required by this section need not include amounts ex-
5 pended by the lobbyist for personal living and travel expenses and office
6 overhead, including salaries and wages paid for staff and secretarial assist-
7 ance, and maintenance expenses.

8 “(3) If the amount of any expenditure required to be included in a state-
9 ment is not accurately known at the time the statement is required to be
10 filed, an estimate of the expenditure shall be submitted in the statement and
11 designated as an estimate. The exact amount expended for which a previous
12 estimate was made shall be submitted in a subsequent report when the in-
13 formation is available.

14 “(4) A statement required by this section shall include a copy of any no-
15 tice provided to a public official or candidate under ORS 244.100.

16 **“SECTION 26. Section 23 of this 2019 Act and the amendments to**
17 **ORS 171.745 by section 25 of this 2019 Act become operative on January**
18 **1, 2021.**

19 **“SECTION 27. This 2019 Act being necessary for the immediate**
20 **preservation of the public peace, health and safety, an emergency is**
21 **declared to exist, and this 2019 Act takes effect on its passage.”.**

22
